

## Message Text

PAGE 01 STATE 094543  
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INFO OCT-01 EUR-12 EA-12 IO-14 ISO-00 SIG-03 MMO-04  
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DRAFTED BY HA/ORM:JBROH-KAHN:BA  
APPROVED BY HA/ORM:SCLOWMAN  
EA/RA:FCBENNETT

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TO AMEMBASSY BANGKOK IMMEDIATE  
AMEMBASSY KUALA LUMPUR IMMEDIATE  
AMEMBASSY SINGAPORE IMMEDIATE  
AMCONSUL HONG KONG IMMEDIATE  
AMEMBASSY JAKARTA IMMEDIATE  
AMEMBASSY MANILA IMMEDIATE  
AMEMBASSY TAIPEI IMMEDIATE  
AMEMBASSY TOKYO IMMEDIATE  
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AMEMBASSY PARIS IMMEDIATE  
AMEMBASSY CANBERRA IMMEDIATE  
AMEMBASSY OTTAWA IMMEDIATE  
AMEMBASSY WELLINGTON IMMEDIATE  
AMEMBASSY LONDON IMMEDIATE  
AMEMBASSY STOCKHOLM IMMEDIATE  
AMEMBASSY OSLO IMMEDIATE  
AMEMBASSY THE HAGUE IMMEDIATE  
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PAGE 02 STATE 094543

UNCLAS STATE 094543

E.O. 11652: N/A

TAGS: SREF

SUBJECT: USISTANT SECRETARY DERIAN'S STATEMENT ON REFUGEE  
LEGISLATION AND PAROLE

1. FOLLOWING IS THE STATEMENT MADE BY ASSISTANT SECRETARY

DERIAN APRIL 12 TO IMMIGRATION, CITIZENSHIP AND INTERNATIONAL LAW SUBCOMMITTEE OF HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE:

QUOTE MR. CHAIRMAN, I AM PLEASED TO APPEAR BEFORE THE COMMITTEE TO COMMENT ON H.R. 7175, AND ON OTHER CURRENT REFUGEE PROBLEMS.

AT THE OUTSET, LET ME SAY THAT WE ARE LOOKING AT H.R. 7175 AS BASIC NEW LEGISLATION DESIGNED TO BRING MORE ORDERLY PROCEDURES TO THE HANDLING OF REFUGEES WORLDWIDE. AT THE SAME TIME, WE SHOULD LOOK AT THE NEW LEGISLATION AS A FRAMEWORK FOR DEALING WITH THE INDOCHINESE REFUGEES WHO CONTINUE TO FLEE THEIR HOMELANDS. EQUALLY WE SHOULD SEE IT IN TERMS OF OTHER REFUGEE PROBLEMS WHICH THE UNITED STATES MAY BE CALLED ON TO FACE IN THE FUTURE.

THIS BEING THE CASE, IT MAY BE USEFUL FOR ME FIRST TO OUTLINE THOSE ELEMENTS THAT THE ADMINISTRATION WOULD FIND

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PAGE 03 STATE 094543

WE BELIEVE THAT THE DEFINITION OF A REFUGEE IN ANY NEW LAW SHOULD CONFORM WITH THE UNITED NATIONS DEFINITION, FREEING IT FROM ITS PRESENT GEOGRAPHIC AND IDEOLOGICAL LIMITATIONS. WE ARE GLAD THIS DEFINITION IS USED IN H.R. 7175. IN SUPPORTING THIS CHANGE WE RECOGNIZE THAT THE BROADER U.N. DEFINITION WOULD ENCOMPASS MORE REFUGEES THAN COULD BE ACCEPTED INTO THE UNITED STATES. THUS, ACTUAL ACCEPTANCES WOULD CONTINUE TO BE LIMITED TO REFUGEES OF SPECIAL CONCERN TO THE UNITED STATES.

WE SUGGEST THAT REFUGEE ACCEPTANCE INTO THE UNITED STATES BE DIVIDED INTO TWO PARTS: THAT WHICH CAN BE FORESEEN AS A CONTINUING OR NORMAL FLOW: AND THAT WHICH IS UNFORESEEN, ARISING FROM EMERGENCY CONDITIONS. WE BELIEVE REGULAR PROCEDURES, SIMILAR TO THOSE NOW IN USE UNDER THE CONDITIONAL ENTRY PROGRAM, SHOULD BE ADEQUATE TO ACCOMMODATE ANTICIPATED REFUGEES IN THE FIRST CATEGORY WHO ARE OF SPECIAL CONCERN TO THE UNITED STATES, WITHOUT RESORT TO EMERGENCY CONDITIONS PROCEDURES. THE PRESENT FLOW OF SUCH REFUGEES WHO ARE OF SPECIAL CONCERN TO US IS APPROXIMATELY 50,000 PER YEAR.

IN ADDITION TO THE PROVISION OF THESE NUMBERS TO MEET AN EXPECTED CONTINUING FLOW OF REFUGEES, IT WILL ALSO BE NECESSARY TO HAVE GROUP ADMISSION PROCEDURES TO ACCOMMODATE UNFORESEEN EMERGENCY SITUATIONS, SUCH AS COULD ARISE FROM A SIGNIFICANT INCREASE IN A CONTINUING REFUGEE FLOW AND A CONSEQUENT BACK-UP OF THESE REFUGEES ABROAD. A

BACK-UP OF REFUGEES IN COUNTRIES OF FIRST ASYLUM THAT IS NOT UNFORESEEN, HOWEVER, WOULD NOT JUSTIFY RESORT TO THESE PROCEDURES. SUCH EMERGENCIES ALSO COULD ARISE FROM UNFORESEEN CIRCUMSTANCES WHICH CAUSE THE SUDDEN GROUP FLIGHT OF LARGE NUMBERS OF REFUGEES TO NEIGHBORING COUNTRIES.

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PAGE 04 STATE 094543

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THERE MAY BE OTHER OCCASIONS OF EXTREME EMERGENCY, ESPECIALLY AFFECTING GROUPS OF INDIVIDUALS STILL IN THEIR OWN COUNTRY FOR WHICH THE FULL FLEXIBILITY OF THE PRESENT PAROLE POWER SHOULD BE RETAINED. SUCH SITUATIONS COULD REQUIRE AN EMERGENCY EVACUATION TO BE UNDERTAKEN OF NATIONALS DIRECTLY FROM THEIR OWN COUNTRY. A SECOND CASE

WOULD BE THE NEED TO PAROLE POLITICAL PERSECUTEES FROM THEIR OWN COUNTRY OF NATIONALITY.

WE ALSO SUPPORT THE CONCEPT OF A JOINT EXECUTIVE/LEGISLATIVE COMMISSION WHICH COULD BUILD ON THE EFFORTS OF THE PRESENT EXECUTIVE BRANCH TASK FORCE TO STUDY OVERALL UNITED STATES IMMIGRATION POLICY AND TO MAKE RECOMMENDATIONS FOR CHANGES.

MR. CHAIRMAN, COMMISSIONER CASTILLO HAS COMMENTED IN MUCH GREATER DETAIL ON H.R. 7175 AND I WILL NOT ATTEMPT TO COVER THE SAME GROUND. I WOULD JUST NOTE BRIEFLY, HOWEVER, THAT THERE ARE PARTS OF H.R. 7175 WHICH WE WOULD RECOMMEND CHANGING. IN PART, THIS MAY BE ONLY A QUESTION OF CLARIFYING THE LANGUAGE, FOR INSTANCE ON THE EXTENT TO WHICH THE PAROLE POWER REMAINS AVAILABLE. IN SOME CASES WE WOULD ADVISE AMENDMENTS, SUCH AS AN INCREASE IN THE LEVEL OF NORMAL FLOW PROVISIONS TO 50,000.

MR. CHAIRMAN, YOU HAVE ALSO REQUESTED THAT WE DISCUSS TODAY UNITED STATES POLICY TOWARD INDOCHINESE REFUGEES. AS YOU KNOW, THE EXECUTIVE BRANCH HAS SEVERAL TIMES  
UNCLASSIFIED

PAGE 05 STATE 094543

RECOMMENDED PAROLE FOR THESE REFUGEES ON AN AD HOC EMERGENCY BASIS. IN EACH SUCH CASE, THE PAROLE HAS BEEN URGENTLY NEEDED, BUT IT HAS BECOME INCREASINGLY APPARENT THAT A MORE ORDERLY WAY OF DEALING WITH THIS SITUATION WOULD BE DESIRABLE. UP TO NOW, WE HAVE FELT JUSTIFIED IN

APPROACHING THE CONGRESS TO CONSULT ON AN AD HOC PAROLE ONLY AFTER A SERIOUS SITUATION HAS DEVELOPED IN SOUTH EAST ASIA. OUR HOPE NOW IS TO WORK TOWARD A MORE ORDERLY PROCEDURE WHICH WILL MAKE IT POSSIBLE TO ADMIT REFUGEES WHOM WE CAN ANTICIPATE AND TO ACT EXPEDITIOUSLY IN UNFORESEEN CIRCUMSTANCES.

THE ANNOUNCEMENT OF THE 7,000 PAROLE IN JANUARY APPEARS TO HAVE RESULTED IN AT LEAST A TEMPORARY RELAXATION OF THE STIFFENING ATTITUDES TOWARD NEW BOAT ARRIVALS IN EVIDENCE LAST NOVEMBER AND DECEMBER. BUT, AS WE SAID AT THE JANUARY 24 HEARING BEFORE THIS COMMITTEE, OUR PAROLE, PLUS THE PROGRAMS OF FRANCE, AUSTRALIA, CANADA, AND OTHER PERMANENT RESETTLEMENT COUNTRIES, WILL KEEP THE BOAT CASE REFUGEE POPULATION WITHOUT RESETTLEMENT PROSPECTS FROM BUILDING UP FOR ONLY THREE MONTHS OR SO. ALREADY, MORE REFUGEES HAVE ESCAPED BY BOAT THAN CAN BE ACCEPTED IN THE PRESENT UNITED STATES PROGRAM. EVEN TAKING INTO ACCOUNT PROBABLE ACCEPTANCES BY OTHER COUNTRIES, A SERIOUS BUILD-UP WILL TAKE PLACE ONCE AGAIN BY THE END OF THIS MONTH.

WE HOPE TO REACH AN AGREEMENT WITH THE CONGRESS ON THE

NATURE OF THE POLICY WHICH WE SHOULD UNDERTAKE TOWARD THESE REFUGEES. AFTER THOROUGH CONSIDERATION, AND WITH AGREEMENT AMONG THE CONCERNED AGENCIES, THE PRESIDENT HAS APPROVED A CONTINUING COMMITMENT TO THESE TWO CLASSES OF REFUGEES THAT THE UNITED STATES HAS ASSISTED IN THE PAST -- BOAT REFUGEES WITHOUT OTHER OFFER OF RESETTLEMENT AND LAND REFUGEES CLOSELY ASSOCIATED WITH THE UNITED STATES.

UNCLASSIFIED

PAGE 06 STATE 094543

IN EARLIER PROGRAMS, WE APPLIED SOMEWHAT MORE RESTRICTIVE CRITERIA TO BOAT REFUGEES. IT HAS BEEN OUR EXPERIENCE, HOWEVER, THAT THE DESPERATE CIRCUMSTANCES OF THESE REFUGEES MAKE IT NECESSARY FOR THE UNITED STATES TO ASSURE THAT THEY WILL BE PROVIDED AN ONWARD RESETTLEMENT OPPORTUNITY IF NO OTHER COUNTRY TAKES THEM. OTHERWISE, A BACK LOG BEGINS TO BUILD ON THE BEACHES OF SOUTHEAST ASIA AND, WHEN THIS HAPPENS, THE COUNTRIES OF THAT AREA BEGIN TO TURN THESE BOATS BACK OUT TO SEA.

OTHER COUNTRIES ARE AND WILL CONTINUE TO BE ACTIVE IN ASSISTING WITH THIS PROBLEM. WE BELIEVE THAT A CONTINUING UNITED STATES PROGRAM HAS ENCOURAGED A HIGHER RATE OF THIRD COUNTRY OFFERS.

THE UNHCR WILL CONTINUE TO HELP COORDINATE THE VARIOUS NATIONAL PROGRAMS TO ASSURE THAT THIRD COUNTRY OFFERS RECEIVE MAXIMUM UTILIZATION. THE NEW HIGH COMMISSIONER, POUL HARTLING, HAS BEEN ACTIVE IN URGING GREATER THIRD COUNTRY PARTICIPATION. DURING HIS RECENT VISIT TO

AUSTRALIA, THAT GOVERNMENT ANNOUNCED A PROGRAM TO ACCEPT A FURTHER 2,000 REFUGEES BY JUNE FOR A TOTAL OF 4,000 IN THE FIRST SIX MONTHS OF THIS YEAR. AS I HAVE NOTED BEFORE, WE ARE CONTINUING TO ENFORCE A RULE THAT INDOCHINESE REFUGEES OFFERED RESETTLEMENT ELSEWHERE ARE INELIGIBLE TO COME TO THE UNITED STATES UNLESS THEY HAVE CLOSE RELATIVES HERE. WE DO THIS TO ASSURE MAXIMUM UTILIZATION OF RESETTLEMENT OFFERS FROM THIRD COUNTRIES.

THE QUESTION WAS RAISED IN THE HEARING BEFORE THIS COMMITTEE, MR. CHAIRMAN, AS TO THE NATURE OF THESE REFUGEES AND WHETHER THEY COULD BE REGARDED AS ECONOMIC REFUGEES. WE STRONGLY BELIEVE, MR. CHAIRMAN, THAT THEY UNCLASSIFIED

PAGE 07 STATE 094543

ARE POLITICAL REFUGEES. THERE IS A CLEAR AND CONSISTENT PATTERN OF VIOLATIONS OF HUMAN RIGHTS IN THESE COUNTRIES AS THE NEW COMMUNIST GOVERNMENTS RESTRUCTURE THEIR SOCIETIES. MANY OF THE REFUGEES HAVE SUFFERED ECONOMIC HARDSHIP AS WELL, BUT THIS IS THE RESULT OF ECONOMIC DISCRIMINATION FOR POLITICAL ENDS -- OFTEN TO THE EXTREME

OF REFUSING FORMER MEMBERS OF THE MIDDLE CLASS THE MEANS TO EARN A LIVELIHOOD.

THE RISKS UNDERTAKEN BY SUCH REFUGEES, BOTH TO THEMSELVES AND TO THEIR LOVED ONES, PAINTS A PICTURE OF INDIVIDUALS BEING DRIVEN BY MOTIVATION FAR STRONGER THAN ECONOMIC ADVANTAGE. IT IS ALMOST CERTAIN THAT MANY PERISH AT SEA. MOST REFUGEES INDICATE THEY FULLY APPRECIATED THIS DANGER WHEN THEY FLED. IN ANY CASE, THOSE WHO ESCAPE WOULD CLEARLY FACE SEVERE RETRIBUTION IF THEY WERE RETURNED TO VIETNAM.

THE QUESTION HAS BEEN RAISED, MR. CHAIRMAN, AS TO THE FAIRNESS OF TAKING BOAT CASE REFUGEES NOT RESETTLED ELSEWHERE BUT LEAVING REFUGEES ESCAPING BY LAND, WHO MAY BE EQUALLY OR BETTER QUALIFIED. INDEED, THERE IS A SECOND GROUP OF REFUGEES WHOM WE HAVE HELPED IN EVERY PROGRAM TO DATE WITH THE EXCEPTION OF THE JANUARY 25 PAROLE. THESE ARE THOSE AMONG THE REFUGEES ESCAPING BY LAND WHO HAVE CLOSE RELATIVES IN THE UNITED STATES OR WHO HAVE DEMONSTRATED PAST ASSOCIATION WITH THE UNITED STATES, FOR WHICH THEY WERE DISADVANTAGED IN THEIR HOMELAND UNDER THE NEW GOVERNMENTS. THIS GROUP HAS BEEN AND, IN THE FUTURE, WOULD CONTINUE TO BE DRAWN ALMOST ENTIRELY FROM THE CAMPS OF THAILAND.

OUR EXCLUSION OF THIS GROUP FROM THE JANUARY PAROLE REQUEST IN NO SENSE INDICATED A LESSENING OF OUR CONCERN FOR THESE REFUGEES. ON THE CONTRARY, THE 8,000 PAROLE UNCLASSIFIED

PAGE 08 STATE 094543

NUMBERS GRANTED FOR LAND CAMP REFUGEES IN AUGUST 1977 WERE SOME THOUSANDS SHORT OF THE NUMBER OF REFUGEES QUALIFIED UNDER PROGRAM CRITERIA. HOWEVER, THE PAROLE AUTHORIZED ON JANUARY 25 DID NOT INCLUDE ADMISSION OF OVERLAND REFUGEES, BECAUSE THE EMERGENCY WAS PARTICULARLY CRITICAL FOR BOAT REFUGEES.

IN OUTLINING OUR VIEWS ON NEW REFUGEE LEGISLATION, I NOTED THAT IT WOULD BE DESIRABLE TO ACCOMMODATE AN EXPECTED AND CONTINUING FLOW (SUCH AS THAT OF THE INDOCHINESE REFUGEES OR THOSE FROM THE SOVIET UNION AND EASTERN EUROPE) UNDER THE NORMAL FLOW PROVISIONS OF A NEW LAW. I NOTED THAT THIS WOULD REQUIRE ABOUT 50,000 NUMBERS PER YEAR.

THIS NUMBER IS BASED ON A PROJECTION OF 25,000 INDOCHINESE AND, AT LEAST, 15,000 SOVIET AND EASTERN EUROPEAN REFUGEES EACH YEAR OVER THE NEXT FEW YEARS. BOTH THESE PREDICTIONS ARE BASED ON PROJECTIONS OF RECENT RATES WHICH SEEM LIKELY TO REMAIN AT LEAST THIS HIGH. THUS, A CONTINUING COMMITMENT TO THE TWO CLASSES OF INDOCHINESE REFUGEES

DESCRIBED ABOVE COULD BE MET WITHIN THE NORMAL FLOW PROVISIONS OF SUCH NEW LEGISLATION.

THE NEED FOR RELIEF, HOWEVER, IS URGENT, AND LEGISLATION WILL SURELY TAKE SOME TIME TO BE PASSED. IN THE INTERIM, THE ONLY RECOURSE OPEN TO US IS FURTHER USE OF THE ATTORNEY GENERAL'S PAROLE POWER. THE PRESIDENT HAS INFORMED US THAT HE PREFERS THAT THE PAROLE POWER BE AUTHORIZED ON A CONTINUING BASIS, UNTIL NEW LEGISLATIVE AUTHORITY IS AVAILABLE, TO ADMIT REFUGEES ESCAPING FROM INDOCHINA, AS WELL AS THOSE COMING FROM EASTERN EUROPE AND THE SOVIET UNION. ACCORDINGLY, AND IN LIGHT OF THE UNCLASSIFIED

PAGE 09 STATE 094543

CONTINUING REFUGEE CRISIS IN SOUTH EAST ASIA, THE SECRETARY OF STATE HAS REQUESTED THAT THE ATTORNEY GENERAL EXERCISE HIS PAROLE AUTHORITY IN THIS FASHION. THE ATTORNEY GENERAL HAS THIS REQUEST UNDER ADVISEMENT.

YOU HAVE ALSO ASKED, MR. CHAIRMAN, THAT WE PROVIDE INFORMATION ON WHAT FEDERAL FUNDS HAVE BEEN EXPENDED ON BEHALF OF INDOCHINESE REFUGEES. I WILL SUBMIT FOR THE RECORD A TABLE ITEMIZING THE AUTHORITY AND AMOUNTS -- WHICH TOTAL \$754,800,000 LESS \$22,000,000 RETURNED TO THE TREASURY -- THAT COVERS COSTS OF THE EVACUATION FROM VIETNAM AND CAMBODIA IN APRIL OF 1975; RECEPTION CENTER COSTS IN THE U.S. IN THAT YEAR; PLACEMENT OF THESE REFUGEES IN THE U.S.; SELECTION, TRAVEL, AND PLACEMENT COSTS FOR INDO-

CHINESE REFUGEES IN 1976, 1977, AND 1978, INCLUDING PAROLE PROGRAMS CURRENTLY UNDERWAY AND DOMESTIC ASSISTANCE COSTS FOR THE REFUGEES HERE. THAT AMOUNT ALSO INCLUDES OUR CONTRIBUTION TO THE UNHCR'S PROGRAM FOR INDOCHINESE REFUGEES IN TEMPORARY ASYLUM IN THAILAND AND ELSEWHERE IN ASIA, FROM 1975 THROUGH 1978. DETAILS ON THE EXPENDITURE OF THE BULK OF THESE FUNDS ARE INCLUDED IN THE QUARTERLY REPORTS TO CONGRESS SINCE MID-1975; THE LATEST REPORT FROM THE HEW TASK FORCE IS DATED DECEMBER 31, 1977.

THE INDOCHINESE REFUGEES WHO HAVE BENEFITTED FROM THESE MONIES INCLUDE THE 130,000 WHO RESETTLED HERE IN 1975 FROM THE EVACUATION AND ITS AFTERMATH AND THOSE BROUGHT IN BY SUBSEQUENT PAROLES AND CONDITIONAL ENTRY ACTIONS. THESE HAVE BROUGHT THE TOTAL NOW IN COUNTRY TO 157,000 AND BY THE END OF THE FISCAL YEAR OR SHORTLY THEREAFTER TO 172,000 WHEN EXISTING ACCEPTANCE AUTHORITIES HAVE BEEN EXHAUSTED. IN ADDITION, SOME OF THESE FUNDS HAVE BEEN USED BY THE UNHCR TO ASSIST REFUGEES WHO HAVE BEEN IN TEMPORARY REFUGE IN THAILAND, NOW NUMBERING ALMOST 100,000, AND ELSEWHERE.

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PAGE 10 STATE 094543

FINALLY, MR. CHAIRMAN, THE COMMITTEE HAS REQUESTED INFORMA-

TION ON THE WORLDWIDE REFUGEE ASSISTANCE PROGRAM FOR FY 1978 AND FY 1979 OF THE DEPARTMENT OF STATE. THESE INCLUDE SOME FUNDS PROGRAMMED OR PROJECTED TO BE SPENT ON BEHALF OF INDOCHINESE, IN ADDITION TO MANY OTHER REFUGEE MATTERS. FOR FY 78, THE MIGRATION AND REFUGEE ASSISTANCE APPROPRIATION TOTALLED \$53,054,000. THE 1978 FUNDS PROVIDED U.S. CONTRIBUTIONS TO THREE INTERNATIONAL ORGANIZATIONS (UNHCR, ICEM, AND ICRC), DIRECT PROGRAMS OF ASSISTANCE TO REFUGEES OVERSEAS THROUGH AMERICAN VOLUNTARY AGENCIES, AND ASSISTANCE TO SOVIET AND EASTERN EUROPEAN REFUGEES RESETTLING IN ISRAEL. THE FY 1978 BUDGET WAS AUGMENTED BY A SUPPLEMENT OF \$6,300,000 TO ENABLE US TO COMPLETE THE PAROLE PROGRAM FOR 15,000 INDOCHINESE REFUGEES AUTHORIZED LAST AUGUST, AND THAT AMOUNT IS INCLUDED IN THE TOTAL FIGURE I GAVE FOR FUNDS EXPENDED IN RELATION TO INDOCHINESE REFUGEES. THAT AMOUNT, PLUS \$35,000 IN THE PROPOSED SUPPLEMENTAL FOR FEDERAL SALARY ACT INCREASES, WOULD BRING THE TOTAL FY 1978 BUDGET FOR MIGRATION AND REFUGEE ASSISTANCE TO \$59,389,000. INCLUDED IN THE CONTRIBUTION OF \$10,750,000 TO UNHCR FOR THIS YEAR IS \$8,500,000 FOR THAT ORGANIZATION'S PROGRAM ON BEHALF OF INDOCHINESE REFUGEES -- AN AMOUNT ALSO INCLUDED IN THE SEPARATE TABLE ON U.S. FUNDS EXPENDED FOR INDOCHINESE REFUGEES.

THE UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSIS-

TANCE FUND WAS AUGMENTED TO \$10,000,000 FOR FY 1978, AND  
THE TOTAL AVAILABLE ON OCTOBER 1, 1977 WAS \$15,000,000.  
DRAWDOWNS MADE SINCE THAT TIME INCLUDE \$7,200,000 TO  
IMPLEMENT THE AUGUST PAROLE FOR 15,000 INDOCHINESE REFUGEES  
AND \$5,750,000 FOR IMPLEMENTATION OF LAST JANUARY'S  
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PAGE 11 STATE 094543

PAROLE AUTHORIZATION FOR 7,000 BOAT REFUGEES. PRESIDEN-  
TIAL DETERMINATIONS HAVE BEEN RECENTLY MADE TO PROVIDE  
\$750,000 FOR THE UNHCR TO ASSIST REFUGEES IN AFRICA AND  
\$300,000 TO ICEM TO ASSIST REFUGEES AND DETAINEES FROM  
LATIN AMERICA. THE EMERGENCY FUND IS NOW REDUCED TO  
\$1,000,000.

OUTSIDE THE MIGRATION AND REFUGEE ASSISTANCE PROGRAMS  
DIRECTED BY THE BUREAU OF HUMAN RIGHTS AND HUMANITARIAN  
AFFAIRS, THERE IS ALSO THE PALESTINE REFUGEE SUPPORT  
PROGRAM CARRIED OUT BY THE UNITED NATIONS RELIEF AND WORKS  
AGENCY (UNRWA). IN FY 1978 \$42,500,000 WAS APPROPRIATED  
FOR THAT PURPOSE TO THE DEPARTMENT OF STATE.

FOR FY 1979 THE DEPARTMENT HAS REQUESTED A TOTAL OF  
\$56,336,000 FOR MIGRATION AND REFUGEE ASSISTANCE,  
\$15,000,000 FOR THE EMERGENCY FUND, AND \$52,000,000 FOR  
UNRWA. OUR BUDGET SUBMISSION TO THE CONGRESS PROVIDES

THE MOST CONVENIENT SUMMARY OF OUR REFUGEE ASSISTANCE  
PROGRAM, AND I WOULD LIKE TO SUBMIT THAT DOCUMENT AND A  
LIST OF AUTHORITIES FOR OUR PROGRAMS FOR THE RECORD.

THAT CONCLUDES MY STATEMENT, MR. CHAIRMAN. I WILL BE  
HAPPY TO ANSWER ANY QUESTIONS. UNQUOTE. CHRISTOPHER

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PAGE 01 STATE 094543  
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INFO RUQMZA/AMEMBASSY ATHENS 0000

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY LIMA

AMEMBASSY BRUSSELS



AMEMBASSY ROME  
AMEMBASSY SANTIAGO  
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UNCLAS STATE 094543

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PRESENT EXECUTIVE BRANCH TASK FORCE TO STUDY OVERALL UNITED STATES IMMIGRATION POLICY AND TO MAKE RECOMMENDATIONS FOR CHANGES.

MR. CHAIRMAN, COMMISSIONER CASTILLO HAS COMMENTED IN MUCH GREATER DETAIL ON H.R. 7175 AND I WILL NOT ATTEMPT TO COVER THE SAME GROUND. I WOULD JUST NOTE BRIEFLY, HOWEVER, THAT THERE ARE PARTS OF H.R. 7175 WHICH WE WOULD RECOMMEND CHANGING. IN PART, THIS MAY BE ONLY A QUESTION OF CLARIFYING THE LANGUAGE, FOR INSTANCE ON THE EXTENT TO WHICH THE PAROLE POWER REMAINS AVAILABLE. IN SOME CASES WE WOULD ADVISE AMENDMENTS, SUCH AS AN INCREASE IN THE LEVEL OF NORMAL FLOW PROVISIONS TO 50,000.

MR. CHAIRMAN, YOU HAVE ALSO REQUESTED THAT WE DISCUSS TODAY UNITED STATES POLICY TOWARD INDOCHINESE REFUGEES. AS YOU KNOW, THE EXECUTIVE BRANCH HAS SEVERAL TIMES RECOMMENDED PAROLE FOR THESE REFUGEES ON AN AD HOC EMERGENCY BASIS. IN EACH SUCH CASE, THE PAROLE HAS BEEN URGENTLY NEEDED, BUT IT HAS BECOME INCREASINGLY APPARENT THAT A MORE ORDERLY WAY OF DEALING WITH THIS SITUATION WOULD BE DESIRABLE. UP TO NOW, WE HAVE FELT JUSTIFIED IN APPROACHING THE CONGRESS TO CONSULT ON AN AD HOC PAROLE ONLY AFTER A SERIOUS SITUATION HAS DEVELOPED IN SOUTH EAST ASIA. OUR HOPE NOW IS TO WORK TOWARD A MORE ORDERLY PROCEDURE WHICH WILL MAKE IT POSSIBLE TO ADMIT REFUGEES WHOM WE CAN ANTICIPATE AND TO ACT EXPEDITIOUSLY IN UNFORESEEN CIRCUMSTANCES.

UNCLASSIFIED

PAGE 05 STATE 094543

THE ANNOUNCEMENT OF THE 7,000 PAROLE IN JANUARY APPEARS TO HAVE RESULTED IN AT LEAST A TEMPORARY RELAXATION OF THE STIFFENING ATTITUDES TOWARD NEW BOAT ARRIVALS IN EVIDENCE LAST NOVEMBER AND DECEMBER. BUT, AS WE SAID AT THE JANUARY 24 HEARING BEFORE THIS COMMITTEE, OUR PAROLE, PLUS THE PROGRAMS OF FRANCE, AUSTRALIA, CANADA, AND OTHER PERMANENT RESETTLEMENT COUNTRIES, WILL KEEP THE BOAT CASE REFUGEE POPULATION WITHOUT RESETTLEMENT PROSPECTS FROM BUILDING UP FOR ONLY THREE MONTHS OR SO. ALREADY, MORE REFUGEES HAVE ESCAPED BY BOAT THAN CAN BE ACCEPTED IN THE PRESENT UNITED STATES PROGRAM. EVEN TAKING INTO ACCOUNT PROBABLE ACCEPTANCES BY OTHER COUNTRIES, A SERIOUS BUILD-UP WILL TAKE PLACE ONCE AGAIN BY THE END OF THIS MONTH.

WE HOPE TO REACH AN AGREEMENT WITH THE CONGRESS ON THE

NATURE OF THE POLICY WHICH WE SHOULD UNDERTAKE TOWARD THESE REFUGEES. AFTER THOROUGH CONSIDERATION, AND WITH AGREEMENT AMONG THE CONCERNED AGENCIES, THE PRESIDENT HAS APPROVED A CONTINUING COMMITMENT TO THESE TWO CLASSES OF REFUGEES THAT THE UNITED STATES HAS ASSISTED IN THE PAST -- BOAT REFUGEES WITHOUT OTHER OFFER OF RESETTLEMENT

AND LAND REFUGEES CLOSELY ASSOCIATED WITH THE UNITED STATES.

IN EARLIER PROGRAMS, WE APPLIED SOMEWHAT MORE RESTRICTIVE CRITERIA TO BOAT REFUGEES. IT HAS BEEN OUR EXPERIENCE, HOWEVER, THAT THE DESPERATE CIRCUMSTANCES OF THESE REFUGEES MAKE IT NECESSARY FOR THE UNITED STATES TO ASSURE THAT THEY WILL BE PROVIDED AN ONWARD RESETTLEMENT OPPORTUNITY IF NO OTHER COUNTRY TAKES THEM. OTHERWISE, A BACK LOG BEGINS TO BUILD ON THE BEACHES OF SOUTHEAST ASIA AND, WHEN THIS HAPPENS, THE COUNTRIES OF THAT AREA BEGIN TO TURN THESE BOATS BACK OUT TO SEA.

UNCLASSIFIED

PAGE 06 STATE 094543

OTHER COUNTRIES ARE AND WILL CONTINUE TO BE ACTIVE IN ASSISTING WITH THIS PROBLEM. WE BELIEVE THAT A CONTINUING UNITED STATES PROGRAM HAS ENCOURAGED A HIGHER RATE OF THIRD COUNTRY OFFERS.

THE UNHCR WILL CONTINUE TO HELP COORDINATE THE VARIOUS NATIONAL PROGRAMS TO ASSURE THAT THIRD COUNTRY OFFERS RECEIVE MAXIMUM UTILIZATION. THE NEW HIGH COMMISSIONER, POUL HARTLING, HAS BEEN ACTIVE IN URGING GREATER THIRD COUNTRY PARTICIPATION. DURING HIS RECENT VISIT TO AUSTRALIA, THAT GOVERNMENT ANNOUNCED A PROGRAM TO ACCEPT A FURTHER 2,000 REFUGEES BY JUNE FOR A TOTAL OF 4,000 IN THE FIRST SIX MONTHS OF THIS YEAR. AS I HAVE NOTED BEFORE, WE ARE CONTINUING TO ENFORCE A RULE THAT INDOCHINESE REFUGEES OFFERED RESETTLEMENT ELSEWHERE ARE INELIGIBLE TO COME TO THE UNITED STATES UNLESS THEY HAVE CLOSE RELATIVES HERE. WE DO THIS TO ASSURE MAXIMUM UTILIZATION OF RESETTLEMENT OFFERS FROM THIRD COUNTRIES.

THE QUESTION WAS RAISED IN THE HEARING BEFORE THIS COMMITTEE, MR. CHAIRMAN, AS TO THE NATURE OF THESE REFUGEES AND WHETHER THEY COULD BE REGARDED AS ECONOMIC REFUGEES. WE STRONGLY BELIEVE, MR. CHAIRMAN, THAT THEY ARE POLITICAL REFUGEES. THERE IS A CLEAR AND CONSISTENT PATTERN OF VIOLATIONS OF HUMAN RIGHTS IN THESE COUNTRIES AS THE NEW COMMUNIST GOVERNMENTS RESTRUCTURE THEIR SOCIETIES. MANY OF THE REFUGEES HAVE SUFFERED ECONOMIC HARDSHIP AS WELL, BUT THIS IS THE RESULT OF ECONOMIC DISCRIMINATION FOR POLITICAL ENDS -- OFTEN TO THE EXTREME

OF REFUSING FORMER MEMBERS OF THE MIDDLE CLASS THE MEANS TO EARN A LIVELIHOOD.

THE RISKS UNDERTAKEN BY SUCH REFUGEES, BOTH TO THEMSELVES  
UNCLASSIFIED

PAGE 07 STATE 094543

AND TO THEIR LOVED ONES, PAINTS A PICTURE OF INDIVIDUALS BEING DRIVEN BY MOTIVATION FAR STRONGER THAN ECONOMIC ADVANTAGE. IT IS ALMOST CERTAIN THAT MANY PERISH AT SEA. MOST REFUGEES INDICATE THEY FULLY APPRECIATED THIS DANGER WHEN THEY FLED. IN ANY CASE, THOSE WHO ESCAPE WOULD CLEARLY FACE SEVERE RETRIBUTION IF THEY WERE RETURNED TO VIETNAM.

THE QUESTION HAS BEEN RAISED, MR. CHAIRMAN, AS TO THE FAIRNESS OF TAKING BOAT CASE REFUGEES NOT RESETTLED ELSEWHERE BUT LEAVING REFUGEES ESCAPING BY LAND, WHO MAY BE EQUALLY OR BETTER QUALIFIED. INDEED, THERE IS A SECOND GROUP OF REFUGEES WHOM WE HAVE HELPED IN EVERY PROGRAM TO DATE WITH THE EXCEPTION OF THE JANUARY 25 PAROLE. THESE ARE THOSE AMONG THE REFUGEES ESCAPING BY LAND WHO HAVE CLOSE RELATIVES IN THE UNITED STATES OR WHO HAVE DEMONSTRATED PAST ASSOCIATION WITH THE UNITED STATES, FOR WHICH THEY WERE DISADVANTAGED IN THEIR HOMELAND UNDER THE NEW GOVERNMENTS. THIS GROUP HAS BEEN AND, IN THE FUTURE, WOULD CONTINUE TO BE DRAWN ALMOST ENTIRELY FROM THE CAMPS OF THAILAND.

OUR EXCLUSION OF THIS GROUP FROM THE JANUARY PAROLE REQUEST IN NO SENSE INDICATED A LESSENING OF OUR CONCERN FOR THESE REFUGEES. ON THE CONTRARY, THE 8,000 PAROLE NUMBERS GRANTED FOR LAND CAMP REFUGEES IN AUGUST 1977 WERE SOME THOUSANDS SHORT OF THE NUMBER OF REFUGEES QUALIFIED UNDER PROGRAM CRITERIA. HOWEVER, THE PAROLE AUTHORIZED ON JANUARY 25 DID NOT INCLUDE ADMISSION OF OVERLAND REFUGEES, BECAUSE THE EMERGENCY WAS PARTICULARLY CRITICAL FOR BOAT REFUGEES.

IN OUTLINING OUR VIEWS ON NEW REFUGEE LEGISLATION, I NOTED THAT IT WOULD BE DESIRABLE TO ACCOMMODATE AN EXPECTED AND CONTINUING FLOW (SUCH AS THAT OF THE INDOCHINESE REFUGEES OR THOSE FROM THE SOVIET UNION AND EASTERN EUROPE) UNDER UNCLASSIFIED

PAGE 08 STATE 094543

THE NORMAL FLOW PROVISIONS OF A NEW LAW. I NOTED THAT THIS WOULD REQUIRE ABOUT 50,000 NUMBERS PER YEAR.

THIS NUMBER IS BASED ON A PROJECTION OF 25,000 INDOCHINESE AND, AT LEAST, 15,000 SOVIET AND EASTERN EUROPEAN REFUGEES EACH YEAR OVER THE NEXT FEW YEARS. BOTH THESE PREDICTIONS ARE BASED ON PROJECTIONS OF RECENT RATES WHICH SEEM LIKELY TO REMAIN AT LEAST THIS HIGH. THUS, A CONTINUING COMMITMENT TO THE TWO CLASSES OF INDOCHINESE REFUGEES

DESCRIBED ABOVE COULD BE MET WITHIN THE NORMAL FLOW PROVISIONS OF SUCH NEW LEGISLATION.

THE NEED FOR RELIEF, HOWEVER, IS URGENT, AND LEGISLATION

WILL SURELY TAKE SOME TIME TO BE PASSED. IN THE INTERIM, THE ONLY RECOURSE OPEN TO US IS FURTHER USE OF THE ATTORNEY GENERAL'S PAROLE POWER. THE PRESIDENT HAS INFORMED US THAT HE PREFERS THAT THE PAROLE POWER BE AUTHORIZED ON A CONTINUING BASIS, UNTIL NEW LEGISLATIVE AUTHORITY IS AVAILABLE, TO ADMIT REFUGEES ESCAPING FROM INDOCHINA, AS WELL AS THOSE COMING FROM EASTERN EUROPE AND THE SOVIET UNION. ACCORDINGLY, AND IN LIGHT OF THE CONTINUING REFUGEE CRISIS IN SOUTH EAST ASIA, THE SECRETARY OF STATE HAS REQUESTED THAT THE ATTORNEY GENERAL EXERCISE HIS PAROLE AUTHORITY IN THIS FASHION. THE ATTORNEY GENERAL HAS THIS REQUEST UNDER ADVISEMENT.

YOU HAVE ALSO ASKED, MR. CHAIRMAN, THAT WE PROVIDE INFORMATION ON WHAT FEDERAL FUNDS HAVE BEEN EXPENDED ON BEHALF OF INDOCHINESE REFUGEES. I WILL SUBMIT FOR THE RECORD A TABLE ITEMIZING THE AUTHORITY AND AMOUNTS -- WHICH TOTAL \$754,800,000 LESS \$22,000,000 RETURNED TO THE TREASURY -- THAT COVERS COSTS OF THE EVACUATION FROM VIETNAM AND UNCLASSIFIED

PAGE 09 STATE 094543

CAMBODIA IN APRIL OF 1975; RECEPTION CENTER COSTS IN THE U.S. IN THAT YEAR; PLACEMENT OF THESE REFUGEES IN THE U.S.; SELECTION, TRAVEL, AND PLACEMENT COSTS FOR INDOCHINESE REFUGEES IN 1976, 1977, AND 1978, INCLUDING PAROLE PROGRAMS CURRENTLY UNDERWAY AND DOMESTIC ASSISTANCE COSTS FOR THE REFUGEES HERE. THAT AMOUNT ALSO INCLUDES OUR CONTRIBUTION TO THE UNHCR'S PROGRAM FOR INDOCHINESE REFUGEES IN TEMPORARY ASYLUM IN THAILAND AND ELSEWHERE IN ASIA, FROM 1975 THROUGH 1978. DETAILS ON THE EXPENDITURE OF THE BULK OF THESE FUNDS ARE INCLUDED IN THE QUARTERLY REPORTS TO CONGRESS SINCE MID-1975; THE LATEST REPORT FROM THE HEW TASK FORCE IS DATED DECEMBER 31, 1977.

THE INDOCHINESE REFUGEES WHO HAVE BENEFITTED FROM THESE MONIES INCLUDE THE 130,000 WHO RESETTLED HERE IN 1975 FROM THE EVACUATION AND ITS AFTERMATH AND THOSE BROUGHT IN BY SUBSEQUENT PAROLES AND CONDITIONAL ENTRY ACTIONS. THESE HAVE BROUGHT THE TOTAL NOW IN COUNTRY TO 157,000 AND BY THE END OF THE FISCAL YEAR OR SHORTLY THEREAFTER TO 172,000 WHEN EXISTING ACCEPTANCE AUTHORITIES HAVE BEEN EXHAUSTED. IN ADDITION, SOME OF THESE FUNDS HAVE BEEN USED BY THE UNHCR TO ASSIST REFUGEES WHO HAVE BEEN IN TEMPORARY REFUGE IN THAILAND, NOW NUMBERING ALMOST 100,000, AND ELSEWHERE.

FINALLY, MR. CHAIRMAN, THE COMMITTEE HAS REQUESTED INFORMATION ON THE WORLDWIDE REFUGEE ASSISTANCE PROGRAM FOR FY 1978 AND FY 1979 OF THE DEPARTMENT OF STATE. THESE INCLUDE SOME FUNDS PROGRAMMED OR PROJECTED TO BE SPENT ON BEHALF OF INDOCHINESE, IN ADDITION TO MANY OTHER REFUGEE

MATTERS. FOR FY 78, THE MIGRATION AND REFUGEE ASSISTANCE APPROPRIATION TOTALLED \$53,054,000. THE 1978 FUNDS PROVIDED U.S. CONTRIBUTIONS TO THREE INTERNATIONAL ORGANIZATIONS (UNHCR, ICEM, AND ICRC), DIRECT PROGRAMS OF ASSISTANCE TO REFUGEES OVERSEAS THROUGH AMERICAN VOLUNTARY UNCLASSIFIED

PAGE 10 STATE 094543

AGENCIES, AND ASSISTANCE TO SOVIET AND EASTERN EUROPEAN REFUGEES RESETTLING IN ISRAEL. THE FY 1978 BUDGET WAS AUGMENTED BY A SUPPLEMENT OF \$6,300,000 TO ENABLE US TO COMPLETE THE PAROLE PROGRAM FOR 15,000 INDOCHINESE REFUGEES AUTHORIZED LAST AUGUST, AND THAT AMOUNT IS INCLUDED IN THE TOTAL FIGURE I GAVE FOR FUNDS EXPENDED IN RELATION TO INDOCHINESE REFUGEES. THAT AMOUNT, PLUS \$35,000 IN THE PROPOSED SUPPLEMENTAL FOR FEDERAL SALARY ACT INCREASES, WOULD BRING THE TOTAL FY 1978 BUDGET FOR MIGRATION AND REFUGEE ASSISTANCE TO \$59,389,000. INCLUDED IN THE CONTRIBUTION OF \$10,750,000 TO UNHCR FOR THIS YEAR IS \$8,500,000 FOR THAT ORGANIZATION'S PROGRAM ON BEHALF OF INDOCHINESE REFUGEES -- AN AMOUNT ALSO INCLUDED IN THE SEPARATE TABLE ON U.S. FUNDS EXPENDED FOR INDOCHINESE REFUGEES.

THE UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND WAS AUGMENTED TO \$10,000,000 FOR FY 1978, AND THE TOTAL AVAILABLE ON OCTOBER 1, 1977 WAS \$15,000,000. DRAWDOWNS MADE SINCE THAT TIME INCLUDE \$7,200,000 TO IMPLEMENT THE AUGUST PAROLE FOR 15,000 INDOCHINESE REFUGEES AND \$5,750,000 FOR IMPLEMENTATION OF LAST JANUARY'S PAROLE AUTHORIZATION FOR 7,000 BOAT REFUGEES. PRESIDENTIAL DETERMINATIONS HAVE BEEN RECENTLY MADE TO PROVIDE \$750,000 FOR THE UNHCR TO ASSIST REFUGEES IN AFRICA AND \$300,000 TO ICEM TO ASSIST REFUGEES AND DETAINEES FROM LATIN AMERICA. THE EMERGENCY FUND IS NOW REDUCED TO \$1,000,000.

OUTSIDE THE MIGRATION AND REFUGEE ASSISTANCE PROGRAMS DIRECTED BY THE BUREAU OF HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, THERE IS ALSO THE PALESTINE REFUGEE SUPPORT PROGRAM CARRIED OUT BY THE UNITED NATIONS RELIEF AND WORKS UNCLASSIFIED

PAGE 11 STATE 094543

AGENCY (UNRWA). IN FY 1978 \$42,500,000 WAS APPROPRIATED FOR THAT PURPOSE TO THE DEPARTMENT OF STATE.

FOR FY 1979 THE DEPARTMENT HAS REQUESTED A TOTAL OF \$56,336,000 FOR MIGRATION AND REFUGEE ASSISTANCE, \$15,000,000 FOR THE EMERGENCY FUND, AND \$52,000,000 FOR UNRWA. OUR BUDGET SUBMISSION TO THE CONGRESS PROVIDES

THE MOST CONVENIENT SUMMARY OF OUR REFUGEE ASSISTANCE PROGRAM, AND I WOULD LIKE TO SUBMIT THAT DOCUMENT AND A LIST OF AUTHORITIES FOR OUR PROGRAMS FOR THE RECORD.

THAT CONCLUDES MY STATEMENT, MR. CHAIRMAN. I WILL BE HAPPY TO ANSWER ANY QUESTIONS. UNQUOTE. CHRISTOPHER UNQUOTE CHRISTOPHER

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